



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Liaw et al.

Confirmation No.:

2900

Serial No.:

09/839,768

Art Unit:

2112

Filed:

April 19, 2001

Examiner: Myers, Paul R.

For:

High-Frequency Bus System

Attorney Docket No.:

060809-0080-US

PETITION FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED **CLAIM FOR PRIORITY**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sirs:

Applicants petition the Commissioner to correct the domestic priority information on record for the above-identified U.S. patent application. The captioned application is a continuation application of U.S. Application No. 09/507,303, filed 02/18/2000, now U.S. Patent No. 6,266,730, which is a continuation application of U.S. patent application no. 08/938,084, filed 09/26/97, now U.S. Patent No. 6,067,594. Accordingly, pursuant to the Response to Final Office Action submitted concurrently herewith, please replace the first paragraph of the specification, namely "This is a continuation of application no. 09/507,303, filed February 18, 2000" with the following paragraph: "This Application is a continuation of U.S. Application No. 09/507,303, filed 02/18/2000, now U.S. Patent No. 6,266,730, which is a continuation of U.S. patent application no. 08/938,084, filed 09/26/97, now U.S. Patent No. 6,067,594". Such domestic priority information was unintentionally delayed, as outlined below.

BACKGROUND

At the time of filing the captioned application (April 19, 2001), Applicants requested the Commissioner amend the specification by inserting the following priority information before the first paragraph of the specification: "[t]his is a continuation of application no. 09/507,303, filed February 18, 2000". This instruction is found on the "Patent Application Fee Value" sheet, as filed April 19, 2001. Further, an executed Declaration for Patent Application, listing the priority information of both parent cases 09/507,303, filed February

18, 2000 and 08,938,084, filed September 26, 1997, was filed with the patent application on April 19, 2001.

A Filing Receipt was mailed by the Patent Office on May 4, 2001, stating domestic priority as "This Application is a CON of 09/507,303, 02/18/2000". Applicants subsequently filed a Communication with the Patent Office on May 17, 2001, requesting correction of the Filing Receipt to read "This Application is a CON of 09/507,303 02/18/2000, which is a CON of 08/938,084 09/26/97".

An updated Filing Receipt was mailed by the Patent Office on August 17, 2001, but the domestic priority information was not updated to reflect the parent case of 08/938,084 09/26/97. Applicants inadvertently and unintentionally did not request an additional corrected Filing Receipt to correct the domestic priority information.

For ease of reference, Applicants enclose copies of the following documents:

- 1. Patent Application Fee Value sheet as filed April 19, 2001;
- 2. Executed Declaration for Patent Application, as filed April 19, 2001;
- 3. Stamped return postcard from the Patent Office, dated April 19, 2001;
- 4. Filing Receipt dated May 4, 2001;
- 5. Communication to the Patent Office requesting correction of the Filing Receipt, as filed May 17, 2001;
- 6. Stamped return postcard from the Patent Office, showing receipt of the Communication, dated May 17, 2001; and
- 7. Updated Filing Receipt from the Patent Office dated August 17, 2001.

REMARKS

MPEP 201.11(V)¹ states:

If an applicant includes a claim to the benefit of a prior application elsewhere in the application but not in the manner specified in 37 CFR 1.78(a)(2)(i) and (a)(2)(iii) or 37 CFR 1.78(a)(5)(i) and (a)(5)(iii) (e.g., if the benefit claim is included in an unexecuted oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a)(2)(ii) or (a)(5)(ii), the Office will not require a petition and the surcharge under 37 CFR 1.17(t) to correct the benefit claim if the information concerning the benefit claim contained elsewhere in the application was recognized by the Office as shown by its inclusion on a filing receipt. . . .

If, however, an applicant <u>includes a benefit claim elsewhere in the application</u> and not in the manner specified in 37 CFR 1.78(a), and the <u>claim is not recognized</u> by the Office as shown by its absence on a filing receipt (e.g., if the benefit claim is in a part of the application where benefit claims are not conventionally located, such as the body of the specification), the Office will require a petition and the

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¹ MPEP, Rev. 2, May 2004, at Page 200-64.

surcharge under 37 CFR 1.17(t) to correct the benefit claim. This is because the application will not have been scheduled for publication on the basis of the information concerning the benefit claim contained elsewhere in the application. (Emphasis added).

It is respectfully submitted that the present error of the claim to priority is unlike that outlined by the MPEP above. For example, the above section of the MPEP states that the Applicant must Petition the Office and pay the requisite fee, if the Office failed to recognize the claim to priority on the Filing Receipt. However, Applicants noticed the error on the Filing Receipt and requested its correction so as to include both priority claims. Unfortunately, the Office failed to (i) make the correction to the Filing Receipt, and (ii) instruct the Applicant to amend the first sentence of the application to include the reference to the earlier application, as is typically the case. For these reasons alone, it is respectfully requested that the Office waive the fee for this Petition.

Furthermore, as the present application correctly claims priority as a continuation application of U.S. Application No. 09/507,303, and that U.S. Application No. 09/507,303 is a continuation application of U.S. Patent No. 6,266,730, it is respectfully submitted that it should be clear from the Office's records that the present application will automatically claim priority back to the initial patent application, from which both applications are continuation applications, namely U.S. Patent Application No. 09/507,303.

If, however, the Office is unwilling to waive the fee, the Commissioner is nevertheless authorized to charge the \$1,370.00 fee, set forth in 37 CFR 1.17(T) to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 060809-0080-US). However, as stated above, Applicants believe that since domestic priority information was provided in the Application transmittal, Declaration for Patent Application, and Communication to the Office to correct the filing, no fees should be due.

Respectfully submitted,

Date: January 12, 2005

45,645

Dion M. Bregman

(Reg. No.)

MORGAN, LEWIS & BOCKIUS LLP

2 Palo Alto Square

3000 El Camino Real, Suite 700

Palo Alto, CA 94306

(650) 843-4000

surcharge under 37 CFR 1.17(t) to correct the benefit claim. This is because the application will not have been scheduled for publication on the basis of the information concerning the benefit claim contained elsewhere in the application. (Emphasis added).

It is respectfully submitted that the present error of the claim to priority is unlike that outlined by the MPEP above. For example, the above section of the MPEP states that the Applicant must Petition the Office and pay the requisite fee, if the Office failed to recognize the claim to priority on the Filing Receipt. However, Applicants noticed the error on the Filing Receipt and requested its correction so as to include both priority claims. Unfortunately, the Office failed to (i) make the correction to the Filing Receipt, and (ii) instruct the Applicant to amend the first sentence of the application to include the reference to the earlier application, as is typically the case. For these reasons alone, it is respectfully requested that the Office waive the fee for this Petition.

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If, however, the Office is unwilling to waive the fee, the Commissioner is nevertheless authorized to charge the \$1,370.00 fee, set forth in 37 CFR 1.17(T) to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 060809-0080-US). However, as stated above, Applicants believe that since domestic priority information was provided in the Application transmittal, Declaration for Patent Application, and Communication to the Office to correct the filing, no fees should be due.

Respectfully submitted,

Date: January 12, 2005

45,645

Dion M. Bregman

(Reg. No.)

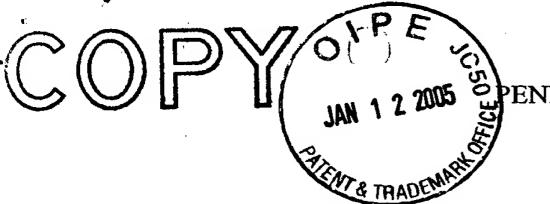
MORGAN, LEWIS & BOCKIUS LLP

2 Palo Alto Square

3000 El Camino Real, Suite 700

Palo Alto, CA 94306

(650) 843-4000



Express Mail No.: EL 451 596 659 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application:	Examiner R. Dharia
	Art Unit_ 2181
Assistant Commissione Box PATENT APPLIC Washington, D.C. 2023	ATION
Sir:	
-	st for filing a continuation divisional application under 37 CFR § 1.53(b), of pending 5/507,303 filed on February 18, 2000.
of <u>Haw-Jyh Liaw and</u>	David Nguyen (inventor(s) currently of record in prior application)
for HIGH-FREQUEN	CY BUS SYSTEM (title of invention)

☐ The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

ТҮРЕ	NO. FILED	LESS	EXTRA	EXTRA RATE	FE	E
Total Claims	32	-20	-20 12 \$18.00 each		\$	216.00
Independent	3	-3	0	\$80.00 each	\$	0.00
Basic Fee						710.00
	Multiple Dependency Fee If Applicable (\$270.00)					0.00
Total						926.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					- \$	0.00
	,		Total Filing	Faa	\$	926.00

- 2. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150 (order no. 9797-0080-999). A copy of this sheet is enclosed.
- 3.

 Amend the specification by inserting before the first line the following sentence: This is a continuation of application no. 09/507,303, filed February 18, 2000.
- 4a.

 Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this

PENNIE & EDMONDS LLP DOCKET NO. 9797-0080-999

application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

4b. New formal drawings are enclosed. Informal drawings are enclosed. 4c. 5a. Priority of application no. filed on in is claimed under 35 U.S.C. §119. 5b. The certified copy has been filed in prior application no., filed. The prior application is assigned of record to RAMBUS INC.. 6. \times The Power of Attorney appears in the original papers in the prior 7a. application no., filed. 7b. Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no., filed is enclosed. This application contains nucleic acid and/or amino acid sequences 8. required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed. 9. The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. . Additional enclosures or instructions: 10. \boxtimes a copy of the originally filed application and drawings is enclosed; newly executed Declaration by the Inventors, Power of Attorney and Assignment with Recordation Form Cover Sheet is enclosed; and

Respectfully submitted,

please enter the enclosed Preliminary Amendment before calculating the

Date

4/19/2001

filing fee.

31,066

(Reg. No.)

PENNIE & EDMONDS LLP

3300 Hillview Avenue Palo Alto, CA 94304

(650) 493-4935

Gary S. Williams





DEMACE DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled High-Frequency Bus System, the specification of which

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(check one)	is atta	ched hereto.				
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	Applica	ed on tion Serial No				
	and was	amended on (if	annlianhla)	······································		
	•	(11	applicable)			
above-identif		reviewed and unde ion, including th				
examination o	the duty to definition that the first applications, §1.56(a	isclose informati tion in accordance a).	ion which is ce with Tit]	s materia Le 37, Co	l to the de of	
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Prior Foreign	Application(s)		Priority	Claimed	
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(Number)	(Country)	(Day/Month/Yea	r Filed)	Yes	No	
		•				
(Number)	(Country)	(Day/Month/Yea	r Filed)	Yes	No	
United States matter of eac prior United paragraph of disclose mate Regulation, §	application(s h of the claim States applica Title 35, Unit rial information 1.56(a) which	under Title 35, 0) listed below and sof this application in the manner of the states Code, so as defined in occurred between lor PCT international	nd, insofar ation is not er provided \$112, I ack Title 37, (the filing	as the s t disclos by the f nowledge Code of F date of	ubject ed in the irst the duty ederal the prior	to
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08/938,084		September 26, 1	.997 <u>pat</u>	ented	<u> </u>	
(Application	Serial No.)	(Filing Date)	(patented,	•	tatus) , abandone	∍d
(Application	Serial No.)	(Filing Date)		(9	Status)	

patented, pending, abandoned)

Direct all telephone calls to Gary S. Williams at (650) 493-4935.

Address all correspondence to:

PENNIE & EDMONDS LLP 3300 Hillview Avenue Palo Alto, California 94304

File No. 9797-0080-999

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

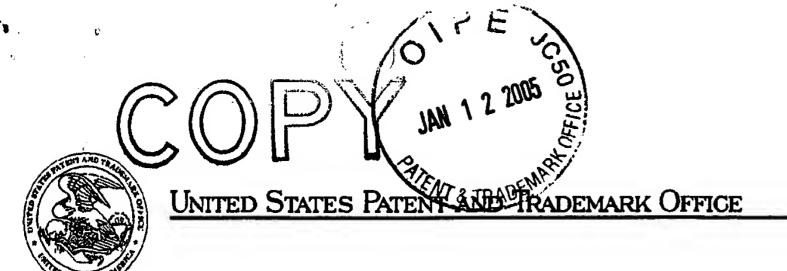
Full name of sole or	·
first inventor:	HAW-JYH LIAW
Inventor's signature:	How-typ Low
Date:	3/20/01
Residence:	FREMONT, CALIFORNIA
Citizenship:	TAIWAN
Post Office Address:	40939 CAMERO PLACE
•	FREMONT, CALIFORNIA 94539
·	
Full name of	
second inventor:	DAVID NGUYEN
Inventor's signature:	Jamell
Date:	3/16/01
Residence:	SAN JOSE, CALIFORNIA
Citizenship:	U.S.A.
Post Office Address:	1692 LUCCA PLACE
	SAN JOSE, CALIFORNIA 95138



(I) PY

	Ser. No. <u>To be assigned</u> Filed <u>Herewith</u> Inventor <u>LIAW and NGUYEN</u>
	For HIGH-FREQUENCY BUS SYSTEM
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	(x) Afficiavis Declaration () Fee Address Indication Form
1	(x) Amendment - Preliminary () Fee Calculation
	(x) Application 26 Pages (copy from parent) Issue Fee Transmittal
	(x) 32 Claims 21 Drawings (sheets) () Letter
1	Appeal, Notice of () Oral Hearing Req./Confirm.
1	(x) Assignment () Petition to Extend Time
	() Brief (in triplicate) () Pet. under 37 C.F.R.
	() Declaration & Power of Attorney (x) Power of Attorney 5
	() Disclaimer () Sequence Listing w/Computer
	() Disclosure Statement
	()
<u> </u>	SheetsFigures (x) Transmittal Letter for Continuation Application
	Description Process Charles Charles
	Other: Recordation Form Cover Sheet
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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/839,768	04/19/2001	✓ 2181 ✓	926	9797-0080- 999	21	32 🗸	3 √

CONFIRMATION NO. 2900

PENNIE & EDMONDS LLP 3300 Hillview Avenue Palo Alto, CA 94304

RECEIVED RECORDS

FILING RECEIPT

OC000000006041464

MAY 0 9 2001 & DOCKETING CA OFFICE

Date Mailed: 05/04/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Haw-Jyh Liaw, Fremont, CA; David Nguyen, San Jose, CA;

Assignment For Published Patent Application

RAMBUS INC.;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/507,303 02/18/2000 ✓

Foreign Applications

If Required, Foreign Filing License Granted 05/03/2001

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

Title

High frequency bus system /

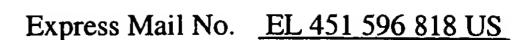
Preliminary Class

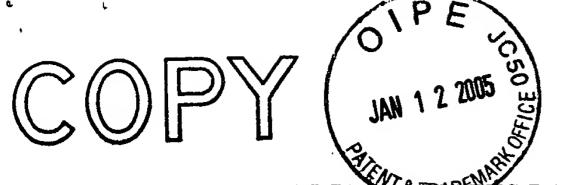
710

Data entry by : MELAKU, AIDA

Team: OIPE

Date: 05/04/2001





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Liaw et al.

Serial No.: 09/839,768

Group Art Unit: 2181

Filed: April 19, 2001

Examiner: To be assigned

For: High-Frequency Bus System

Attorney Docket No.: 9797-0080-999

COMMUNICATION

Assistant Commissioner for Patents Washington D.C. 20231

Sir:

Applicant respectfully requests correction of the Filing Receipt for the referenced application as follows:

Domestic Priority data as claimed by applicant: should read "THIS APPLICATION IS A CON OF 09/507,303 02/18/2000, WHICH IS A CON OF 08/938,084 09/26/97".

TITLE should read "HIGH-FREQUENCY BUS SYSTEM".

Correction of the errors is respectfully requested. A copy of the filing receipt is enclosed.

The Commissioner is authorized to charge any fees associated with this communication to our deposit account number 16-1150 (order no. 9797-0080-999). A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

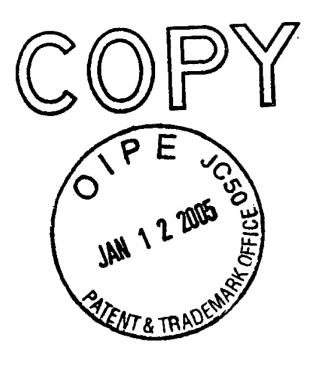
PENNIE & EDMONDS LLP

By:

Gary S. Williams

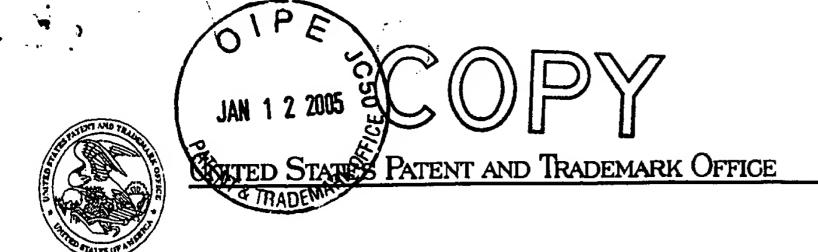
Registration No. 31,066

3300 Hillview Avenue Palo Alto, CA 94304 (650) 849-7721 or (650) 493-4935



Express Mail No. EL 451 596 818 US Date Mailed May 17, 2001 Ser. No. 09/839.768 Inventor Liaw et al For HIGH-FREQUENCY BUS SYSTEM	First Class Mail () Filed 4/19/01
() Affidavit/Declaration () Amendment () ApplicationPages () Claims Drawings () Appeal, Notice of () Assignment () Brief (in triplicate) () Declaration & Power of Attorney () Design Application () Disclaimer ((X) Disclosure Statement (duplicate) () w/refs. (x) w/o refs.) Fee Address Indication Form) Fee Calculation) Issue Fee Transmittal) Letter) Oral Hearing Req./Confirm.) Petition to Extend Time) Pet. under 37 C.F.R.) Power of AttorneyAssociatew/Revocation) Sequence Listing w/Computer Readable and Paper Copies) Small Entity Statement
() Drawings Formal () Status Letter
SheetsFigures (Other:PTO-1449; postcard; CommuFiling Receipt. File No9797-0080-999Sender:) Transmittal Letter inication (dupl); copy of GSW/ab

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COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/839,768 🗸	04/19/2001 ×	2181 🗸	926	9797-0080- 999	21	32	3

CONFIRMATION NO. 2900 UPDATED FILING RECEIPT

PENNIE & EDMONDS LLP 3300 Hillview Avenue Palo Alto, CA 94304

OC000000006443683

Date Mailed: 08/17/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

✓ Haw-Jyh Liaw, Fremont, CA; √David Nguyen, San Jose, CA;

Assignment For Published Patent Application

RAMBUS INC.;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/507,303 02/18/2000 PAT 6,266,730

Foreign Applications

If Required, Foreign Filing License Granted 05/03/2001

Projected Publication Date: 11/29/2001

Non-Publication Request: No

Early Publication Request: No

Title

High frequency bus system

Preliminary Class

710

Data entry by: HAPPY, MILAGROS

Team: OIPE

Date: 08/17/2001

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application.
 They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the
 title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the
 Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt
 along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231